





APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
09/740,147	12/18/2000	S. Ward Casscells	THIN-03800	4162
7590 12/08/2003			EXAMINER	
C. Steven McI	Daniel, Esq.		JOHNSON III	, HENRY M
McDaniel & Ass	sociates, P.C.			
P.O. Box 2244			ART UNIT	PAPER NUMBER
Austin, TX 78768-2244			· 3739	
			DATE MAILED: 12/08/2003	

DATE MAILED: 12/08/2003

6

ľ

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No.   Application No.   GASCELLS, S. WARD	• ( )						
Office Action Summary The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ③ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ③ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  I this period for reply specified above is less than this! (30) days, a reply whitin the statutory minimum of thin; (40) days will be comissioned through the period for reply specified above, he maximum rather period was part will weight 80; (10) days will be communication.  If the period for reply specified above, he maximum rather period was part will weight 80; (10) days will be communication.  If the period for reply specified above, he maximum rather period was part will weight 80; (10) days will be communication.  If the period for reply specified above, he maximum rather period was part will weight 80; (10) days will be communication.  If the period for reply specified above, he maximum rather period was part will weight 80; (10) days will be communication.  A preply recoved by the Office late when there mentils after the realing date of his communication, even if simely filed, may reduce any search period for reply specified above.  A price of the specification is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  A Claim(s) 1.52 is/are pending in the application.  4) Claim(s) 1.52 is/are pending in the application.  4) Claim(s) 1.52 is/are rejected.  5) Claim(s) 1.52 is/are rejected.  5) Claim(s) 1.52 is/are rejected.  6) Claim(s) 1.52 is/are rejected.  7) Claim(s) 1.52 is/are rejected.  7) Claim(s) 1.52 is/are rejected.  8) Claim(s) 1.52 is/are rejected.  8) Claim(s) 1.52 is/are rejected.  9) The specification is objected to by the Examiner.  10) The call of the above claim(s) 1.52 is/are al		Application No.	Applicant(s)				
Henry M Johnson, III 3739 The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  I the petrol for reply appelled subcribe the provisions of 3 CPR 1.736(a). In or event, however, may a reply be timely filed  If the petrol for reply appelled subcribe the maximum dature petrol value and will explose XIS (MONTHS from femaling date of the communication of the petrol for reply appelled shows is kess them thinly (00) days, and yet will explose XIS (MONTHS from femaling date of the communication of the petrol for reply appelled the communication.  If the petrol for reply appelled shows is kess them thinly (00) days, and any of the petrol for reply appelled and the communication.  If the petrol for reply appelled and the communication of the petrol for reply appelled the communication.  If the petrol for reply appelled the communication of the petrol for reply appelled the communication.  A presy received by the Office lists then three members after the mailing date of this communication, even if through filed, may reduce any carried year reply received by the Office lists then three members after the mailing date of this communication, even if through filed, may reduce any carried year reply received to the Office and the petrol of the		09/740,147	CASSCELLS, S. WARD				
- The MAILING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Eatherized stime may be available under the provision of 3 CFR 1.136(). In no event, however, may a reply be timely filled after \$30.00 kGNTHS from the maining date of this communication of 3 CFR 1.136(). In no event, however, may a reply be timely filled after \$30.00 kGNTHS from the maining date of this communication of 3 CFR 1.136(). In no event, however, may a reply be timely filled after \$30.00 kGNTHS from the maining date of this communication of 10 communication (10 communication).  Falsalous to reply within the set or extended precioe for reply will, by attacke, cause the application to become ABANOONED (35 U.S.C. \$13.0).  Responsive to communication (s) filled on 11/10/2003.  2a) This action is FINAL.  2b) This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1.63 is/are pending in the application.  4a) Of the above claim(s) 1.56 is/are withdrawn from consideration.  5) Claim(s) 5.763 is/are rejected.  7) Claim(s) is/are allowed.  8) Claim(s) 5.763 is/are rejected to by the Examiner.  10) The specification is objected to by the Examiner.  10) The drawing(s) filled on is/are: a) cocepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to See 37 CFR 1.121(d).  11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119 and 120  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C.	Office Action Summary	Examiner	Art Unit				
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time may be available under the provisions of 37 CFR 1736(s). In no event, however, may a reply be timely filled  Extensions of time may be available under the provisions of 37 CFR 1736(s). In no event, however, may a reply be timely filled  Extensions of time may be available under the provisions of 37 CFR 1736(s). In no event, however, may a reply be timely filled  Extensions of timely specified above, the maximum statutory pointed will apply and the statution of the							
THE MAILING DATE OF THIS COMMUNICATION.  Estancians of time may be available under the provision of 30 FPR 1.136(a). In no event, however, may a reply be limely filed after SIX (6) MONTES from the mailing date of this communication.  If the period is reply septically from the mailing date of this communication.  Fallow to reply within the set or ordended period for reply will, by statute, cause the application to become ABANDONED (SU S.C. § 133). Any reply recorded by the Office use them three among table to the mailing date of this communication, even if timely filed, may reduce any sometime to the set of the communication of the communication. Provided the mailing date of this communication, even if timely filed, may reduce any sometime to the set of the communication of the communication. Provided the major that the set of the communication of the communication of the communication of the communication. Provided the communication of the communication of the communication. Provided the communication of the communication of the communication of the communication. Provided the communication of the communication. Provided the communication of the communication. Provided the communication of the communication of the communication. Provided the communication of the communication of the communication. Provided the communication of the communication of the communication. Provided the communication of the communication of the communication. Provided the communication of the communication of the communication. Provided the communication of the communication. Provided the communication of the communication of the communication of the communication. Provided the communication of the communication. Provided the communication of the communication of the communication. Provided the communication of the communication of the communication. Provided the communication of the communication of the communication. Provided the communication of the communication of the communication. Provided the communication of the communication	•	ppears on the cover sheet with the	correspondence address				
2a) This action is FINAL. 2b) This action is non-final.  3 Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1-53 is/are pending in the application. 4a) Of the above claim(s) 1-55 is/are withdrawn from consideration.  5) Claim(s) 57-63 is/are rejected. 7) Claim(s) is/are allowed. 6) Claim(s) 57-63 is/are rejected. 7) Claim(s) is/are objected to. 8 Claim(s) is/are objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.15(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. §§ 119 and 120  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * ○ None of: Certified copies of the priority documents have been received. Cipies of the certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received. 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78. a) The translation of the foreign language provisional application has been received. 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37	THE MAILING DATE OF THIS COMMUNICATION  - Extensions of time may be available under the provisions of 37 CFR 1 after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a re  - If NO period for reply is specified above, the maximum statutory period  - Failure to reply within the set or extended period for reply will, by statt  - Any reply received by the Office later than three months after the mail earned patent term adjustment. See 37 CFR 1.704(b).	I.  1.136(a). In no event, however, may a reply be tile  1.136(a). In no event, however, may a reply be tile  1.136(a). In no event, however, may a reply be tile  2.136(a). In no event, however, may a reply be tile  2.136(a). In no event, however, may a reply be tile  2.136(a). In no event, however, may a reply be tile  2.136(a). In no event, however, may a reply be tile  2.136(a). In no event, however, may a reply be tile  2.136(a). In no event, however, may a reply be tile  2.136(a). In no event, however, may a reply be tile  2.136(a). In no event, however, may a reply be tile  2.136(a). In no event, however, may a reply be tile  2.136(a). In no event, however, may a reply be tile  2.136(a). In no event, however, may a reply be tile  2.136(a). In no event, however, may a reply be tile  2.136(a). In no event, however, may a reply be tile  2.136(a). In no event, however, may a reply be tile  2.136(a). In no event, however, may a reply be tile  2.136(a). In no event, however, may a reply be tile  2.136(a). In no event, however, howe	mely filed ys will be considered timely. In the mailing date of this communication.  ED (35 U.S.C. § 133).				
3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4)  Claim(s)	1) Responsive to communication(s) filed on 11/	<u>/10/2003</u> .					
Closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4)	2a) This action is <b>FINAL</b> . 2b) ⊠ Thi	is action is non-final.					
4)	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.						
4a) Of the above claim(s) 1-56 is/are withdrawn from consideration.  5) □ Claim(s) is/are allowed. 6) ☒ Claim(s) 57-63 is/are rejected. 7) □ Claim(s) is/are objected to. 8) □ Claim(s) are subject to restriction and/or election requirement.  Application Papers  9) ☒ The specification is objected to by the Examiner.  10) ☒ The drawing(s) filed on is/are: a) □ accepted or b) ☒ objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) □ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. §§ 119 and 120  12) □ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) □ All b) □ Some *C □ None of:  1. □ Certified copies of the priority documents have been received.  2. □ Certified copies of the priority documents have been received in Application No  3. □ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  13) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  a) □ The translation of the foreign language provisional application has been received.  14) □ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.	Disposition of Claims						
5) ☐ Claim(s) is/are allowed. 6) ☒ Claim(s) 57-63 is/are rejected. 7) ☐ Claim(s) is/are objected to. 8) ☐ Claim(s) are subject to restriction and/or election requirement.  Application Papers  9) ☒ The specification is objected to by the Examiner. 10) ☒ The drawing(s) filed on is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. §§ 119 and 120  12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) ☐ All b) ☐ Some * c) ☐ None of:  1. ☐ Certified copies of the priority documents have been received.  2. ☐ Certified copies of the priority documents have been received in Application No  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  13) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet.  37 CFR 1.78.  a) ☐ The translation of the foreign language provisional application has been received.  14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet.  37 CFR 1.78.	4) Claim(s) 1-63 is/are pending in the application	on.					
5) Claim(s) 57-63 is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) is/are objected to. 8) Claim(s) is/are objected to restriction and/or election requirement.  Application Papers  9) The specification is objected to by the Examiner.  10) The drawing(s) filed on is/are: a) cacepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. §§ 119 and 120  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * ○ None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No.  3. Copies of the certified copies of the priority documents have been received.  13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet.  37 CFR 1.78.  a) The translation of the foreign language provisional application has been received.  14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  Attachment(s)  1) Notice of References Cited (PTO-992)  2) Notice of Informal Patent Application (PTO-152)	4a) Of the above claim(s) 1-56 is/are withdra	4a) Of the above claim(s) 1-56 is/are withdrawn from consideration.					
7)  Claim(s) is/are objected to. 8)  Claim(s) are subject to restriction and/or election requirement.  Application Papers  9)  The specification is objected to by the Examiner.  10)  The drawing(s) filed on is/are: a) accepted or b)  objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. §§ 119 and 120  12)	5) Claim(s) is/are allowed.	Claim(s) is/are allowed.					
Application Papers  9) ☐ The specification is objected to by the Examiner.  10) ☐ The drawing(s) filed on	6)⊠ Claim(s) <u>57-63</u> is/are rejected.	• •					
Application Papers  9) ☐ The specification is objected to by the Examiner.  10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. §§ 119 and 120  12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) ☐ All b) ☐ Some * c) ☐ None of:  1 ☐ Certified copies of the priority documents have been received.  2 ☐ Certified copies of the priority documents have been received in Application No.  3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet.  37 CFR 1.78.  a) ☐ The translation of the foreign language provisional application has been received.  14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet.  37 CFR 1.78.  Attachment(s)  1) ☐ Notice of References Cited (PTO-982)  2) ☐ Notice of Informal Patent Application (PTO-152)	• :						
9)☑ The specification is objected to by the Examiner.  10)☑ The drawing(s) filed on is/are: a)☐ accepted or b)☑ objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. §§ 119 and 120  12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a)☐ All b)☐ Some * c)☐ None of:  1 ☐ Certified copies of the priority documents have been received.  2.☐ Certified copies of the priority documents have been received in Application No  3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  13)☑ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet.  37 CFR 1.78.  a)☐ The translation of the foreign language provisional application has been received.  14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  Attachment(s)  1) ☑ Notice of References Cited (PTO-892)  2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)	8) Claim(s) are subject to restriction and	/or election requirement.					
10)  The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. §§ 119 and 120  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No.  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet.  37 CFR 1.78.  a) The translation of the foreign language provisional application has been received.  14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  Attachment(s)  1) Notice of References Cited (PTO-892)  2) Notice of Draftsperson's Patent Drawing Review (PTO-948)	Application Papers	•					
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. §§ 119 and 120  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No.  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  a) The translation of the foreign language provisional application has been received.  14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  Attachment(s)  1) Notice of References Cited (PTO-892)  2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  5) Notice of Informal Patent Application (PTO-152)	· - · · · · · · · · · · · · · · · · · ·						
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. §§ 119 and 120  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No.  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet.  37 CFR 1.78.  a) The translation of the foreign language provisional application has been received.  14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  Attachment(s)  1) Notice of References Cited (PTO-982)  3) Notice of Oraftsperson's Patent Drawing Review (PTO-948)  5) Notice of Informal Patent Application (PTO-152)	• —:	))⊠ The drawing(s) filed on is/are: a)□ accepted or b)⊠ objected to by the Examiner.					
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. §§ 119 and 120  12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) ☐ All b) ☐ Some * c) ☐ None of:  1. ☐ Certified copies of the priority documents have been received.  2. ☐ Certified copies of the priority documents have been received in Application No. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  13) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet.  37 CFR 1.78.  a) ☐ The translation of the foreign language provisional application has been received.  14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  Attachment(s)  1) ☒ Notice of References Cited (PTO-892)  2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  5) ☐ Notice of Informal Patent Application (PTO-152)							
Priority under 35 U.S.C. §§ 119 and 120  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No.  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet.  37 CFR 1.78.  a) The translation of the foreign language provisional application has been received.  14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  Attachment(s)  4) Interview Summary (PTO-413) Paper No(s).  Attachment(s)  1) Notice of References Cited (PTO-892)  2) Notice of Draftsperson's Patent Drawing Review (PTO-948)	· · · · · · · · · · · · · · · · · · ·						
12)   Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a)   All b)   Some * c)   None of:  1.	•	Examiner. Note the attached Office	e Action or form P1O-152.				
a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No.  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet.  37 CFR 1.78.  a) The translation of the foreign language provisional application has been received.  14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  Attachment(s)  4) Interview Summary (PTO-413) Paper No(s).  Notice of Draftsperson's Patent Drawing Review (PTO-948)  5) Notice of Informal Patent Application (PTO-152)							
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 4) Interview Summary (PTO-413) Paper No(s) 5) Notice of Informal Patent Application (PTO-152)	a) All b) Some * c) None of:  1. Certified copies of the priority docume 2. Certified copies of the priority docume 3. Copies of the certified copies of the priority docume 3. Acplication from the International Bure * See the attached detailed Office action for a li 13) Acknowledgment is made of a claim for dome since a specific reference was included in the 37 CFR 1.78.  a) The translation of the foreign language priority acknowledgment is made of a claim for dome	ents have been received. Ents have been received in Applicationity documents have been received in Applicationity documents have been received (PCT Rule 17.2(a)). Est of the certified copies not receives tic priority under 35 U.S.C. § 119 first sentence of the specification corrovisional application has been restic priority under 35 U.S.C. §§ 120	tion No  yed in this National Stage  red. (e) (to a provisional application) or in an Application Data Sheet.  ceived. 0 and/or 121 since a specific				
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  5) Notice of Informal Patent Application (PTO-152)	Attachment(s)	_					
	2) Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) Notice of Informal					

Application/Control Number: 09/740,147

Art Unit: 3739

## **DETAILED ACTION**

## **Drawings**

The subject matter of this application admits of illustration by a drawing to facilitate understanding of the invention. Applicant is required to furnish a drawing under 37 CFR 1.81. No new matter may be introduced in the required drawing.

# Specification

The disclosure is objected to because of the following informalities: numerous pages of the specification have garbled information. These pages are 3, 4, 5, 11, 12 and 13.

Appropriate correction is required.

# Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 57-63 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 57 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: the relationship between the heating means and the detector. The disclosure cites the myocytes may be heated by electrical means delivered via a catheter or the myocytes may be indirectly heated by radio frequency or ultrasound. The structure of the device is not adequately cited.

Claim Rejections - 35 USC § 102

Application/Control Number: 09/740,147

Art Unit: 3739

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 57, 62 and 63 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,609,157 to Panescu et al. Panescu discloses a device for treating atrial fibrillation (Col. 3, line 3) that includes electrodes for detecting electrical events in myocardial tissue (Col. 5, lines 57-60) and an ablation electrode (Col. 7, lines 22-24). Incorporated by reference U.S. Patent 5,582,609 teaches controlling ablation using temperature feedback providing the capability to control the temperature to the required range. The detecting electrodes also are capable of monitoring removal of an atrial myocyte by lack of electrical activity.

#### Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Henry M Johnson, III whose telephone number is (703) 305-0910. The examiner can normally be reached on Monday through Friday from 6:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Linda C Dvorak can be reached on (703) 308-0994. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0858.

Henry M Johnson, III Patent Examiner Art Unit 3739

Hmj

Los Cohen Parteny Examiner